

**Master Case No. 5:15-CV-00013-BR**

**THIS DOCUMENT RELATES TO:  
ALL CASES**

This matter is before the court on defendant Murphy-Brown LLC's ("defendant") motion to exclude the expert testimony of Steven Wing, Ph.D., (DE # 253), and plaintiffs' motion for leave to file supplemental evidence in support of their response to defendant's motion, (DE # 269).<sup>1</sup> Having fully considered the briefs and supporting documents relative to defendant's motion, the court will not exclude Dr. Wing's testimony in its entirety, and defendant's motion is therefore DENIED. Because the court did not consider the supplemental evidence in reaching its decision, plaintiffs' motion is DENIED as moot to the extent it relates to the motion to exclude; otherwise, plaintiffs' motion remains pending before Judge Jones.

Paul Butts

<sup>1</sup> Plaintiffs' motion also seeks leave to file supplemental evidence in support of their memorandum in opposition to defendant's motion to clarify or, in the alternative, to amend the scheduling order, which motion is pending before U.S. Magistrate Judge Robert Jones.